

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

ERMA JEAN EDWARDS,

Plaintiff,

v.

HEATCRAFT, INC.,

Defendant.

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Civil Action No. 7:05-cv-36 (HL)

ORDER

Defendant has filed a motion seeking dismissal of this case based upon Plaintiff's alleged failure to state claims upon which relief can be granted. Because Plaintiff is proceeding pro se, the Court shall advise her of her obligations in responding to Defendant's motion and of the consequences that she may suffer if she does not file a proper response to Defendant's motion.

Plaintiff is advised:

- (1) that the Motion to Dismiss has been filed in this case on behalf of Defendant;
- (2) that she has the right to oppose the granting of Defendant's motion;
- (3) that if she fails to oppose Defendant's motion, her complaint against Defendant may be dismissed; and
- (4) that if her complaint is dismissed, she may face statute of limitations problems should she wish to refile the case.

Plaintiff is further advised that under the procedures and policies of this Court, motions to dismiss are normally decided on briefs. That is, the Court considers the complaint and briefs filed by the parties in deciding whether dismissal is appropriate under the law.

If Plaintiff fails to respond to the Motion to Dismiss, the failure may result in the Court granting

the motion. Thus, there would be neither a trial nor any further proceedings.

Accordingly, Plaintiff is directed to file a response to Defendant's Motion to Dismiss no later than twenty days after this Order is entered on the docket. Thereafter, the Court will consider Defendant's motion and any opposition to it filed by Plaintiff. If no response is submitted by Plaintiff, the Court will consider Defendant's Motion to be uncontested by Plaintiff. The Clerk is directed to serve this Order on Plaintiff at the last address provided by her.

SO ORDERED, this the 16th day of August, 2005.

/s/ Hugh Lawson
HUGH LAWSON, Judge

jmb